

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
EARL ANTHONY NEVILS, a/k/a EARL
NEVILS, JR., EARL BOWMAN, EARL
JOHNSON, ALFRED JOHNSON,
“BABYCRYPTOE”, “LILAMIGO” and
“BABY FROG,”
Defendant-Appellant.

No. 06-50485
D.C. No.
CR-03-01269-CBM
ORDER

Filed June 16, 2009

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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